



33829US
Serial No. 10/021,982

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Gyanesh P. Khare

Serial No.: 10/021,982

Group Art Unit: 1764

Filed: November 28, 2001

Examiner: James Arnold, Jr.

For: **DESULFURIZATION AND NOVEL SORBENT FOR SAME**

***TERMINAL DISCLAIMER UNDER 35 U.S.C. 253 AND 37C.F.R. 1.321 TO OBVIATE A
DOUBLE PATENTING REJECTION OVER A CO-PENDING APPLICATION***

Commissioner for Patents
Washington, D.C. 20231

Sir:

The Phillips Petroleum Company (now ConocoPhillips Company, as stated in Attachment "A", hereafter "CONOCOPHILLIPS") is a Delaware corporation that has a place of business in Bartlesville, Oklahoma. CONOCOPHILLIPS is the owner of a 100% interest in the following pending applications:

Application Serial No. 10/021,982 (hereafter "FIRST APPLICATION"): was filed on November 28, 2001 and is entitled "DESULFURIZATION AND NOVEL SORBENT FOR SAME". The assignment of the FIRST APPLICATION is recorded in the U.S. Patent Office on Reel 012712, Frame 0733.

Application Serial No. 09/976,195 (hereafter "SECOND APPLICATION"): was filed October 12, 2001 and is entitled "DESULFURIZATION AND NOVEL SORBENT FOR SAME". The assignment of Application Serial No. 09/976,195 was transferred to the Assignment Division of the USPTO from the Application Division by the Examiner at or around July 9, 2004 to be properly recorded.

CONOCOPHILLIPS disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the FIRST APPLICATION, which would extend

beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any Terminal Disclaimer filed prior to the grant of any patent granted on the SECOND APPLICATION. CONOCOPHILLIPS agrees that any patent so granted on the FIRST APPLICATION shall be enforceable only for and during such period that the legal title to said patent be the same as the legal title to any patent so granted on the SECOND APPLICATION. This agreement runs with any patent granted on the FIRST APPLICATION and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, CONOCOPHILLIPS does not disclaim the terminal part of any patent granted on the FIRST APPLICATION that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the SECOND APPLICATION, as presently shortened by any terminal disclaimer, in the event that any patent granted on the SECOND APPLICATION:

1. expires for failure to pay a maintenance fee;
2. is held unenforceable;
3. is found invalid by a court of competent jurisdiction;
4. is statutorily disclaimed in whole or terminally disclaimed
under 37 C.F.R. 1.321;
5. has all claims canceled by a reexamination certificate;
6. is reissued; or
7. is otherwise terminated;

prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to grant of its patent.

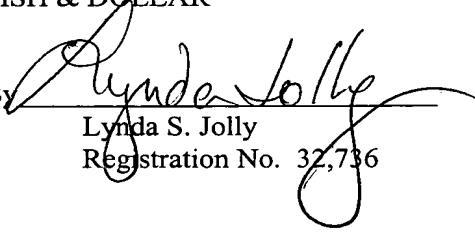
The undersigned states that all documents in the chain of title in the above-identified FIRST APPLICATION and the above-identified SECOND APPLICATION have been reviewed and to the best of the undersigned's knowledge and belief, title is vested in PHILLIPS.

I hereby declare that all statements made herein of my own knowledge are true; and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted

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By


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